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To: Cang (James) G. Thai Total Number of Pages (including cover): 4
Phone Number: (571) 272-6499 Date Sent: 12/28/2005
Fax Number (571) 273-8300
Application Number: 09/766,698 Filing Date: 01/22/2001
First Named Inventor: Alan W. H. Grant Art Unit: 3629

Message

Request for a telephonic interview pursuant to MPEP 706.07(f). Copy of a recently filed Power of Attorney enclosed for your convenience.

CONFIDENTIAL INFORMATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Alan W. H. Grant

Application No.: 09/766,698

Art Unit: 3629

Filed: 01/22/2001

Examiner: Thai, Cang G.

For: CONSTITUENCY VALUE EXCHANGE
OPTIMIZATION METHOD

REQUEST FOR TELEPHONIC INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Mr. Thai:

I represent the applicant with respect to the above captioned matter. For your convenience, a copy of a recently executed and filed Power of Attorney is enclosed.

Pursuant to MPEP 706.07(f), the applicant requests a telephonic interview to discuss a specific issue raised in the Office Action dated 9/15/2005. For the purposes of the interview, the applicant is willing to focus exclusively on the "value exchange gap" claim element.

Claims 2 and 11 both include the step of "identifying one or more *value exchange gaps* based on said mindset data [emphasis added]." The application defines a value exchange gap as "a gap between the value exchanged, i.e., what the constituent gives to the entity compared to what the constituent receives from the entity. See [0058]. The functionality of closing the value gap between what is given and what is specifically disclosed in Figures 3, 7 and 9. The theme also manifests itself in Figures 2, 4, 5, and 6.

Nothing in the '169 Patent discloses the functionality of identifying gaps in the relative valuations of the parties. Both the First and Second Office Actions assert a type of "gap" that is not claimed by the applicant. The rejection of

applicant's claim is based on the incorrect interpretation of "value exchange gap" that is contrary to the definition provided in paragraph [0058].

this reads over "data required to calculate a given behavior characteristic is determined to be *unavailable or unusable*, the behavior characteristic requiring the unavailable data will need to be modified to conform with more readily available data, or steps must be taken to make the required data available" [Page 4 of the Second Office Action, citing Column 9, Lines 43-48].

A comparison of applicant's [0058] and the Second Office Action citation above reveals that the citations do not relate to the same functionality. The Applicant is claiming a gap in valuation, not a gap in available data. Thus, claims with the "value exchange gap" element are not properly rejected.

Please call me at (248) 894-3796 to schedule a telephonic interview. If possible, my client would like to participate in the call. My schedule is relatively open for the next two weeks. If possible, we would like to schedule a telephonic interview before the end of the year, as the 4 month date is January 15, 2006. I look forward to hearing from you.

Dated: December 28, 2005

Respectfully submitted,

By Christopher J. Falkowski
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